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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,011	07/09/2003	Akihito Tamamura	90192	1006
24628	7590	01/19/2006	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LU, TONY W	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/

Office Action Summary	Application No.		Applicant(s)	
	10/616,011		TAMAMURA, AKIHITO	
	Examiner		Art Unit	
	Tony Lu		2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-12 is/are allowed.
- 6) ☒ Claim(s) 1-4, 13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to Applicant's amendment filed 10/05/2005

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al US6035540.

With respect to claims 1 and 13, Wu et al disclose a laser line beam emitting system comprising: a laser beam emitting unit(6,7,8) for emitting a laser beam therefrom, the laser beam emitting unit includes an optical broad element(col.2, lines 20-30) through which the emitted laser beam flux are vertically or horizontally broadened so that a vertical or horizontal straight line is formed and drawn on its objects(fig.5), the broadened laser beam flux having a central optical axis, a main covering(9) for surrounding and covering said laser beam emitting unit therewith, the main covering comprising a plurality of faces and having at least one longlength outlet(note in fig.3 and fig.4 the openings near elements 6,7 and 8) consecutively formed on said faces which the vertically or horizontally broadened laser beam flux reach(fig.3 and fig.4), and a plurality of dust protective coverings(the portions right in front of emitters in fig.3 and fig.4) for preventing entry of dust thereinto while allowing the passage therethrough of the broadened laser beam flux, the broadened laser beam flux at least

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in part are reflected from said dust protective covering, one of the dust protective coverings being arranged in a position through which said central optical axis of the broadened laser beam flux passes(fig.3), the dust protective covering at the passage of the central optical axis of the broadened laser beam flux having a curvature such that reflected, emitted laser beam therefrom through the laser beam emitting unit returns to the interior of the apparatus(note that fig.1, element 9 is a round transparent cover which has curvature. It is known in the optics art that any optics element can reflect at least a part of the light been shining on it if not all).

With respect to claim 2, per the above discussion, Wu et al disclose the dust protective covering has an inner surface on which the curve is formed with recess(see fig.1 and fig.3, note that the casing 9 is a round shape).

As for claims 3 and 4, per the above discussion, with respect to a mutual orientation relationship between components of the system and the intended objects, the orientation of Wu et al's system are arranged to have said dust protective coverings serve as a ceiling or a front of said main covering.

Allowable Subject Matter

Claims 5-12 are allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on 10/05/2005 have been fully considered but they are not persuasive.

With respect to applicant's argument, on page 7 of the remarks, argues that "Wu et al. does not pass his laser beam through the protective covering as in the subject application", this is an incorrect statement. Wu et al does pass his laser beam through the protective covering(see fig.5, a vertical and horizontal laser beam, also read col.1 and col.6). Further, the applicant's argument, on page 7 of the remarks, argues that "Wu et al. cannot reflect a portion of his laser beam into the interior of the apparatus insofar as there is no medium to reflect from", it's known in the optics art that at least a portion of light incident onto a (transparent)surface will be reflected back by the interior side of the surface.

Accordingly, the rejection set forth above is proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Lu whose telephone number is 5712728448. The examiner can normally be reached on M-F 9:00am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 5712722328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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J. LU
PATENT EXAMINER